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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,771	08/29/2006	Goran Dahlberg	38821	1812

116 7590 06/29/2007
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CLEVELAND, OH 44114-3108

EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,771

Applicant(s)

DAHLBERG ET AL.

Examiner

Timothy V. Eley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/27/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Art Unit: 3724

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- "(W)hen . . . vibrations" (page 1, lines 10-12) is awkwardly worded.
- Numeral "15" (page 2, line 5) does not appear to be correct. The lead line in figure 3, appears to lead to a gear and not a shaft.
- A "Brief Description of the Drawings" heading is not seen in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Art Unit: 3724

- In claim 1, lines 5-7, applicant recites that "a mass body vibration damper (23) is arranged between the gear (16) and the sprocket wheel (20). However, as seen in figure 3 of applicant's drawings, it appears that the sprocket wheel (20) is located between the gear (16) and the vibration damper (23); since the vibration damper is a ring located around the sprocket wheel.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 6(as far as they are understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al(5,718,050).

- Keller et al discloses a device for a pole saw for pruning trees or bushes comprising an elongated stiff tube(16b) extending from a drive unit(34) to a remote chain saw head and incorporating a drive shaft connected to an input shaft(62) of a gear(housed in 45) arranged in the chain saw head the gear being provided with an output shaft (18) on which a sprocket wheel(84) for driving a saw chain is arranged characterized in that a mass body vibration damper(any of the elements of the bearing, 92,93) is arranged between the gear and the sprocket wheel. See figure 11.

Applicant's broad recitation of "mass body vibration damper" can

Art Unit: 3724

be met by numerous elements located between the sprocket wheel and the gear since these elements inherently may provide some type of dampening properties.

- Regarding claim 2, the bearing that includes elements 92 and 93, serves as an outer protection for the gear housing.
- Regarding claim 3, the gear housing is an integral part of the saw head.
- Regarding claim 6, the damper as referred to above is supported by the damper as clearly seen in figure 11, by the nut 102.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 4(as far as it is understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al(5,718,050).

- Keller et al is explained above.
- Keller et al does not disclose that the gear housing is made of light metal.
- However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the gear housing out of light metal, since it has been held to be within the general skill of a worker in the art to select a known

Art Unit: 3724

material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

8. Claim 5 (as far as it is understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al (5,718,050) in view of Southwick (2,703,928).

- Keller et al is explained above.
- Keller et al does not disclose a sprocket wheel provided with a hub part surrounding a bearing for the output shaft.
- However, Southwick discloses a pole saw having a sprocket wheel (29) having a hub part surrounding a bearing (inner sleeve portion as seen in figure 3) for an output shaft (27), thereby making the saw a bit more compact.
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Keller et al device by providing a bearing in the sprocket wheel for supporting the output shaft, as taught by Southwick, in order to make the Keller et al more compact.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- The cited prior art discloses various saws related to applicant's disclosure.

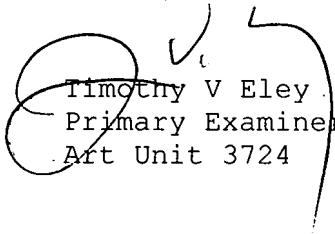
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley

Art Unit: 3724

whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy V Eley
Primary Examiner
Art Unit 3724

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